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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,254	09/05/2006	Erich Steinhardt	13806/25	9701
26646 7590 05/05/2010 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER HEINRICH, SAMUEL M				
ART UNIT 3742		PAPER NUMBER		
MAIL DATE 05/05/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/568,254

**Applicant(s)**

STEINHARDT, ERICH

**Examiner**

Samuel M. Heinrich

**Art Unit**

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 13-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2,920,868 to Ackerman et al in view of USPN 5,233,150 to Schneebeli et al in view of USPN 4,484,959 to Boucher et al.

Ackerman et al describe manufacture of a blade for turbine application. Ackerman et al describe old and well known manufacture of dampened blade structure wherein the dampening structure is enclosed on all sides.

Meier describes build up welding of turbine blades by use of laser welding.

Boucher et al describe well known laser weld coating for the production of a composite having different characteristics in which the core is durable and the surface is tough.

The instant claims would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the blade having different characteristics in the core and surface is very old and well known and because laser build up welding of turbine blades is well known and provides accurate desired construction of composite components.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN2,920,868 to Ackerman et al in view of USPN 5,233,150 to Schneebeli et al in view of USPN 4,484,959 to Boucher et al as applied to claim 13 above, and further in view of USPN 3,697,192 to Hayes.

Hayes describes (e.g., Abstract) well known forming of a hollow blade and forming an insert and assembly of the insert into the hollow blade. Use of this blade and insert construction would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because both blade and insert can be independently manufactured at dedicated work stations.

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN2,920,868 to Ackerman et al in view of USPN 5,233,150 to Schneebeli et al in view of USPN 4,484,959 to Boucher et al as applied to claim 13 above, and further in view of USPN 6,269,540 to Islam et al.

Islam et al describe manufacture of a turbine engine rotor having integral blading comprising laser powder build up welding and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it provides rapid fabrication of complex components.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2,920,868 to Ackerman et al in view of USPN 5,233,150 to Schneebeli et al in view of USPN 4,484,959 to Boucher et al in view of USPN 6,269,540 to Islam et al as applied to claim 21 above, and further in view of USPN 5,038,014 to Pratt et al.

Pratt et al describe (column 4, lines 20-24) well known fabrication of blades and blisks using material such as ceramic and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the material provides properties suitable for the intended use.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN2,920,868 to Ackerman et al in view of USPN 5,233,150 to Schneebeli et al in view of USPN 4,484,959 to Boucher et al in view of USPN 6,269,540 to Islam et al as applied to claim 21 above, and further in view of USPN 6,682,253 to Binna et al.

Binna et al describe (column 2, lines 31-42) well known welding method comprising weld cladding using powders and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the method provides for accurate fit-up of complex workpieces prior to welding.

### ***Response to Arguments***

Applicant's arguments with respect to claims 13-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel M Heinrich/  
Primary Examiner, Art Unit 3742